

HB 1049 -- Bullying in Schools

Sponsor: Allen

This bill changes the laws regarding bullying in schools. In its main provisions, the bill:

(1) Adds discrimination that causes a reasonable student to fear for his or her physical safety or property, substantial interference with educational opportunities, or substantial disruption of the orderly operation of the school to the definition of "bullying." Bullying is prohibited on school property, at any school function, and on a school bus. The bill specifies that "cyberbullying" is the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device;

(2) Requires a school district's antibullying policy to include:

(a) A statement prohibiting bullying;

(b) A statement requiring students, as well as district employees, to report any instance of bullying and a procedure for the notification of the parents of the individual alleged to be responsible for the bullying incident and the parents of the target of the bullying. An anonymous report cannot be the sole basis of disciplinary action;

(c) A procedure for the prompt investigation of reports which identifies the principal or the principal's designee as the person responsible for the investigation;

(d) A description of the ways in which a school will respond once an incident of bullying is confirmed;

(e) A statement prohibiting reprisal or retaliation against a person reporting an act of bullying and the consequence and action for a person who engages in reprisal or retaliation; and

(f) A statement of how the policy will be publicized and a process for discussing the policy with students and training employees and volunteers in the requirements of the policy;

(3) Specifies that a targeted student who has completed all required procedures for reporting be informed of other remedies available, including civil action or intervention by any other county, state, or federal agency or office that is empowered to act on behalf of the target; and

(4) Requires the State Board of Education within the Department

of Elementary and Secondary Education to develop model policies by September 1, 2013, and authorizes the board to promulgate rules and regulations to implement these provisions.